

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

SAJ-01 IO-11 ACDA-05 CIAE-00 COME-00 EB-07 INR-07

LAB-04 NSAE-00 SIL-01 DOTE-00 DODE-00 PM-04 H-02 L-03

NSC-05 PA-01 PRS-01 SP-02 SS-15 OMB-01 /083 W

----- 110057

O O 121428Z MAR 76 ZFF 4

FM AMEMBASSY BONN

TO SECSTATE WASHDC NIACT IMMEDIATE 7180

INFO USMISSION USBERLIN IMMEDIATE

AMEMBASSY BERLIN

AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 04191

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E.O. 11652: GDS

TAGS: PFOR PGOV GW GE WB US UK FR UR

SUBJECT: REICHSBAHN CONSTRUCTION IN WEST BERLIN

REF: (A) USBERLIN 493 , (B) BONN 4022

SUMMARY: SEIDEL OF GDR FOREIGN MINISTRY MAINTAINED THE POSITION, IN HIS MARCH 11 CONVERSATION WITH FRG PERM REP GAUS, THAT REICHSBAHN COMPLIANCE WITH ALLIED ORDERS WAS NOT A MATTER FOR DISCUSSION BETWEEN THE FRG AND THE GDR. GAUS CONCLUDED FROM THE CONVERSATION THAT THE ALLIED COMPROMISE PROPOSAL (REF B) WOULD BE ACCEPTED IF IT WERE PRESENTED TO THE GDR BY THE SENAT. ALLIED BONN GROUP REPS WILL CONSULT LATER MARCH 12 ON DESIRABILITY OF AUTHORIZING THE SENAT TO MAKE THE PROPOSAL TO THE GDR. END SUMMARY

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1. AT BONN GROUP MEETING MORNING OF MARCH 12, FRG  
REP (HENZE) GAVE FOLLOWING REPORT OF GAUS-SEIDEL  
CONVERSATION IN EAST BERLIN MORNING OF MARCH 11:

A. GAUS EMPHASIZED THAT THE FEDERAL GOVERNMENT  
WAS IN COMPLETE AGREEMENT WITH THE VIEWS OF THE THREE  
ALLIED POWERS. HE STRESSED THAT, WHEN NEGOTIATING THE  
DECEMBER 19 TRANSIT AGREEMENT, THE FRG HAD ASSUMED THAT  
ALL THE NORMAL PROCEDURES WHICH HAD LONG EXISTED FOR  
WORK ON REICHSBAHN PROPERTY WOULD BE COMPLIED WITH BY  
THE GDR.

B. SEIDEL EMPHASIZED THAT THIS PROBLEM COULD NOT  
BE A MATTER FOR DISCUSSION BETWEEN THE FRG AND THE GDR.  
AS ALLIED RIGHTS AND RESPONSIBILITIES WERE INVOLVED,  
GAUS DID NOT PURSUE THAT POINT.

C) SEIDEL INDICATED IRRITATION AT BK/O (75) 15  
AND AGAIN PRETENDED THAT NEW PROCEDURES WERE INVOLVED.  
GAUS POINTED OUT THAT THE BK/O SIMPLY REITERATED LONG-  
STANDING NORMAL PROCEDURES. SEIDEL REFERRED TO AN  
AGREEMENT BETWEEN THE GDR AND THE SENAT BUT DID NOT  
PRESS THAT POINT.

D) GAUS COMMENTED IN HIS REPORT TO BONN THAT GDR  
PRESTIGE WAS UNFORTUNATELY INVOLVED AND THAT IT WAS  
OBVIOUS THAT THE PROCEDURE WHICH HE HAD SUGGESTED  
(COMMENT: THE COMPROMISE PLAN WORKED OUT IN THE BONN  
GROUP ON MARCH 10, REF B) WOULD ONLY BE ACCEPTABLE  
IF THE PROPOSAL WERE MADE TO THE GDR BY THE SENAT.  
SEIDEL DID NOT TRY TO SHARPEN THE CONVERSATION, BUT HE  
MAINTAINED HIS POSITION THAT HE HAD NO ROOM FOR  
MANEUVER FOR DISCUSSING THE QUESTION WITH GAUS. HE  
ALSO ASSERTED THAT THE BK/O AND THE KUNZE-MITDANK  
CONVERSATION (PRESUMABLY THAT OF MARCH 5) HAD  
CONSTITUTED A SORT OF LEGAL AND FACTUAL ESCALATION.

E) GAUS THOUGHT THE GDR MIGHT BE WILLING TO  
OVERLOOK THIS ESCALATION IF THE PROCEDURE FOR OBTAINING  
THE NECESSARY AUTHORIZATION WERE DISCUSSED IN DETAIL  
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BY THE SENAT AND THE GDR. GAUS THOUGHT THIS NEED NOT  
NECESSARILY BE THE KUNZE-MITDANK CHANNEL, BUT MIGHT ALSO  
BE DISCUSSED BY STRUVE WITH MITDANK.

F) GAUS ALSO THOUGHT SEIDEL WOULD BE WILLING  
TO HAVE ANOTHER DISCUSSION ON THE SUBJECT, DESPITE  
HIS FREQUENT ASSERTIONS THAT THE MATTER COULD NOT BE  
DISCUSSED BETWEEN GAUS AND SEIDEL.

2. BONN GROUP HAD A PRELIMINARY DISCUSSION OF PROS AND CONS OF VARIOUS CHANNELS WHICH MIGHT BE USED, ASSUMING IT WERE DECIDED TO AUTHORIZE THE SENAT TO CONVEY THE COMPROMISE PROPOSAL. MEICHSNER (BERLIN REPRESENTATION) NOTED THAT FOR KUNZE TO CONVEY THE SUGGESTION TO MITDANK MIGHT PUT IT IN AN OFFICIAL FRAMEWORK, WHEREAS FOR STRUVE TO DO SO WOULD TAKE IT OUTSIDE THE OFFICIAL VISITS CHANNEL. US REP NOTED THAT CONVEYING IT THROUGH

NOTE BY OC/T: #AS RECEIVED

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ANY CHANNEL TO MITDANK WOULD BE ACCEPTANCE OF THE GDR VIEW THAT THE MATTER IS SOMETHING TO BE NEGOTIATED BETWEEN THE GDR FOREIGN MINISTRY AND THE SENAT. HE

WONDERED WHETHER THE MESSAGE COULD NOT ALSO BE CONVEYED FROM THE SENAT DIRECTLY TO THE REICHSBAHN, OR IN THE LINSENMAIER-FUNK CHANNEL (REF A).

3. HENZE SUGGESTED THAT THERE WOULD NOT BE A SENAT-GDR NEGOTIATION INVOLVED. RATHER, WHOEVER SPOKE FOR THE SENAT WOULD SIMPLY REMIND THE GDR THAT ALLIED AUTHORIZATION WAS REQUIRED AND WOULD SUGGEST THAT THE GDR HAVE THE REICHSBAHN APPLY FOR THAT AUTHORIZATION VIA THE TWO LIAISON OFFICERS. MEICHSNER ADDED THAT IT WAS COMMON PRACTICE FOR THE SENAT TO TALK TO THE GDR ABOUT MATTERS AFFECTING ALLIED RIGHTS AND RESPONSIBILITIES AND THAT A DISCUSSION SUCH AS THIS WOULD FIT INTO CONFIDENTIAL

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THE HISTORIC PATTERN. HE ALSO NOTED THAT IT WAS NECESSARY TO DISTINGUISH BETWEEN THE ACTUAL PROCESS OF THE REICHSBAHN APPLYING FOR ALLIED APPROVAL AND THE PRESENT PHASE, WHICH WAS THE ATTEMPT TO GET THE GDR TO AGREE THAT THE REICHSBAHN MUST MAKE THE APPLICATION. THE LOGICAL PARTNER FOR THE PRESENT PHASE WAS NOT SO MUCH THE REICHSBAHN AS THE GDR.

4. FRENCH REP (BOISSIEU) NOTED THAT IF THE ALLIES, AFTER TWO DEMARCHES BY GAUS AND ONE ALLIED DEMARCHE TO THE SOVIETS, WERE TO ALLOW THE SENAT NOW TO DEAL WITH THE GDR ON THE MATTER, IT WOULD REPRESENT A MAJOR CONCESSION. HE CAUTIONED THAT WE ARE ONLY WORKING ON AN ASSUMPTION BY GAUS THAT SUCH AN APPROACH WOULD PRODUCE GDR COMPLIANCE; IF IT DID NOT, THE ALLIES WOULD HAVE LOST ALL ALONG THE LINE. EDWARDS (UK) OBSERVED THAT IF WE THEN CONCLUDED THAT THE END OF THE LINE HAD BEEN REACHED AND HALTED THE WORK, WE WOULD HAVE RECOUPED OUR LOSSES.

5. ASKED FOR FRG VIEWS ON TIMING, TACTICS AND DANGERS, HENZE RESPONDED THAT THE MOST IMPORTANT POINT FOR THE FRG WAS THAT THE ALLIED POSITION CONCERNING REICHSBAHN PROPERTIES IN BERLIN BE MAINTAINED AND BE RESPECTED BY THE GDR. A SECOND POINT WAS THAT THE FRG, OF COURSE, HAD AN INTEREST IN SEEING THE DECEMBER 19 AGREEMENT CARRIED OUT--BUT HE EMPHASIZED THAT THE FIRST POINT WAS THE MORE IMPORTANT. HENZE ADDED THAT THE TIMING WAS BECOMING INCREASINGLY IMPORTANT AS WORK PROGRESSED.

6. MEETING ADJOURNED TO PERMIT TIME FOR ALLIED REPS TO SEEK INSTRUCTIONS. THEY WILL MEET TRIPARTITELY AFTERNOON OF MARCH 12.

7. OUR PRESENT INCLINATION IS TO AGREE TO AUTHORIZE

THE SENAT TO CONVEY THE PROPOSAL TO THE GDR FOREIGN  
MINISTRY (BUT NOT TO NEGOTIATE IT). WE REALIZE THAT  
DOING SO WILL GIVE THE GDR THE SATISFACTION OF  
CLAIMING THE RIGHT TO DEAL ON SUCH MATTERS WITH THE  
SENAT. IF THE APPROACH DOES, HOWEVER, RESULT IN  
REICHSBAHN COMPLIANCE WITH THE ESSENTIAL REQUIREMENTS  
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OF THE BK/O, WE WILL HAVE GAINED MORE THAN WE HAVE  
LOST.  
HILLENBRAND

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Copy:** SINGLE  
**Draft Date:** 12 MAR 1976  
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**Disposition Approved on Date:**  
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**Disposition Date:** 28 MAY 2004  
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